

Waivers	First Name	Last Name	Claim Number
			W-18-0013
Amount	OGC Received Date	Assigned To	Assigned Date
\$12470.36	05/04/2018	Mary O'Lone	05/07/2018
EPA Decision	EPA Decision Date	Amount Approved	Status
APPROVED	05/21/2019	\$12470.36	CLOSED
Appeal	Comments		
No	5/21/19 Waiver approved.		

5/17/19 sent draft approval to Ken.

5/16/18 IBC email says use the net amount in our letter and they will adjust if necessary.

The EPA SSC wants the debts waived.

05/02/18 Cinn. Finance Center to IBC: \$10,66.80" The SSC, on behalf of [REDACTED], requests that this debt be waived. . . . [REDACTED] contacted the SSC after receiving his initial pay check to inquire about the "standby premium pay" he had received. He was initially informed by the SSC that the special pay was accurate based on its payment to other employees occupying positions such as his.

The final indebtedness letter was received from IBC in the amount of \$10,666.80 on 4/24/2018. IBC

conducted a pay calculation which covered pay period 15-07 (3/8/2015) to pay period 17-02 (12/25/ 17) which created the final debt notice. Previously, the SSC corrected the special pay indicator from 15% to 0% in pay period 17-23, which generated an indebtedness to [REDACTED] in the amount of \$1,803.56 for PP 17-03 to PP 17-09. This overpayment was caused by erroneous application of standby duty pay from [REDACTED] hire date of pay period 17-02 (3/8/2015) through pay period 17-09 (4/15/17). At that time, the SSC was notified by IBC stating a pay calculation would be conducted for pay periods 15-07 thru 17-02. This calculation resulted the final debt notice of \$10,666.80.. . This debt is a result of an administrative error when applying stand-by-duty pay and is through no fault

of the employee."

2017: Cinn. Finance Center to IBC: "The SSC. on behalf of [REDACTED] requests that this debt be waived. [REDACTED] contacted the SSC after receiving his initial pay check to inquire about the "standby premium pay" he had received. He was initially informed by the SSC that the special pay was accurate based on its payment to other employees occupying positions such as his.

The SSC corrected the special pay indicator from 15% to 0% in pay period 23 of 2017. This corrective action generated an indebtedness to [REDACTED] in the amount of \$1,803.56 from PP17-03 to PP17-09.

This overpayment was caused by erroneous application of standby duty pay from [REDACTED] hire date of 3/8/2015 through pay period 23 of 2017 when it was changed to 0%. The employee is aware he will be receiving another debt letter in early 2018 due to IBC manually calculating the indebtedness

from his hire date of 3/8/2015 to the second pay period of 2017.”

Discovered 11/6/17

Type

Incorrect Premium Pay

Attachments

Dear [REDACTED]:

This email is in response to your “Waiver of Indebtedness Application,” dated May 3, 2018, wherein you have requested approval of a waiver in the amount of \$15,135.18, the gross amount of the debt. For the reasons set forth below, your request for a waiver of the debt you owe, the net amount, is granted.

Background

Our records show that you were hired by EPA as an Environmental Scientist Remedial Project Manager (RPM), GS-1301-07, step 1, effective March 8, 2015. You came to EPA from college and prior to that you were in the military for about 3 years.

When reviewing your first EPA Earning and Leave Statement, you noticed that you were receiving stand by premium pay. On March 26, 2015, you contacted the Human Resources Shared Service Center Cincinnati (SSC) to inquire whether the standby premium pay you received was a mistake. That same day, a Lead Human Resources Specialist at the SSC wrote to you that “Stand by duty pay is for all employees who are in a RPM or OSC position, which means that you may be called to an emergency at any time, therefore you are on stand?by.” Based on this response, you believed your pay was correct.

On November 6, 2017, the SSC determined that you were not entitled to the standby duty pay that you received from March 8, 2015 through pay period 09 of 2017. Accordingly, EPA sent you a Bill for Collection (DEBT ID 73111522153) on November 6, 2017 with the net amount of \$1,803.56 to be paid by you for overpayments in pay period 03 through 09 in 2017. EPA

sent a second Bill for Collection (DEBT ID 80721522153) on April 24, 2018 with the net amount of \$10,666.80 to be paid by you for overpayments from March 8, 2015 through pay period 02 in 2017.

In response to the Bills for Collection, on May 2, 2018, the SSC requested a waiver on your behalf. EPA then received your "Waiver of Indebtedness Application" dated May 3, 2018 which requests a waiver for \$15,135.18, the total gross amount of both bills.

Analysis

Under 5 U.S.C. § 5584, I have the authority to waive collection of erroneous payments or allowances if collection would be against equity and good conscience and not in the best interest of the United States, provided there is no indication of fraud, fault, misrepresentation, or lack of good faith on the part of the employee. Waiver is precluded if the employee is aware or should have been aware that he or she was being overpaid. B-271308 (April 18, 1996).

In the present case, I find that the erroneous payments were caused by Agency administrative error. My review of the record does not indicate fraud or lack of good faith on your part. The record shows that you were concerned that you might be being overpaid and immediately notified the SSC and asked if it was a mistake. Therefore, the only issue before me is whether you knew or should have known that you were receiving more pay than you were entitled to receive.

When you raised the issue of whether you were entitled to the stand by duty pay, EPA's Human Resources' SSC assured you that you were entitled to it. You were a recent college graduate and new to EPA. You were not an expert in the applicable personnel rules and policies that govern premium pay. I find that you reasonably relied on the expertise of the EPA Lead Human Resources Specialist and reasonably assumed that you had been correctly assigned the premium pay. B- 211345 (July 21, 1983), B- 184182 (July 22, 1976). Thus, under these circumstances, a waiver is warranted because you could not reasonably have been expected to know or suspect you were being overpaid and I find that collection would be against equity and good conscience and not in the best interest of the United States.

Accordingly, all the criteria for waiver of this claim have been met. Therefore, your request for a waiver is approved in the amount of \$12,470.36, the amount that the Bills for Collection indicate that you owe. In this regard, OCFO should work with the Interior Business Center to waive repayment and to refund any money that may have been already paid by you toward this debt.

